

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**TORONE RUSSELL,
TALANDA N. PENN,
ARTHUR L. JOHNSON,**

Defendants.

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8:08CR438

ORDER

This matter is before the court on the government's Motion for Rule 17.1 Pretrial Conference and to consolidate this and 11 related cases for pretrial proceedings. Response time has passed, and no party in this or any of the related cases has filed a response or objection.

The court finds that the following cases should be consolidated for purposes of pretrial proceedings:

8:08cr438	Torone Russell Talanda N. Penn Arthur L. Johnson	8:08cr440	Tabatha A. Veasley	8:08cr445	Shelly M. Jones
		8:08cr441	Willie B. Haynes	8:08cr446	Bryant D. Finney
8:08cr439	Antwan L. Wright Leonard C. Jones Ray S. Thomas Joseph T. Jordan Frederick R. Croffer	8:08cr442	Donnell Chaney	8:08cr447	Amber J. Johns
		8:08cr443	Cornell Hill	8:08cr448	Richard E. Wright, Jr.
		8:08cr444	Charles E. Nelson	8:08cr449	Jeremy Nance

The court further finds that the deadline for filing substantive pretrial motions should be extended to **February 23, 2009**, as to all of the parties listed above.¹

¹The parties who previously filed motions for an extension of the pretrial motion deadline were granted extensions to February 23, 2009.

IT IS ORDERED that the government's Motion for a Rule 17.1 pretrial conference and to consolidate related cases for pretrial proceedings is granted, in part, as follows:

1. Cases Nos. 8:08cr438, 8:08cr439, 8:08cr440, 8:08cr441, 8:08cr442, 8:08cr443, 8:08cr444, 8:08cr445, 8:08cr446, 8:08cr447, 8:08cr448, and 8:08cr449 are hereby consolidated for purposes of scheduling and pretrial proceedings.

2. The deadline for filing substantive pretrial motions is extended to **February 23, 2009**, as to all the defendants in Cases Nos. 8:08cr438, 8:08cr439, 8:08cr440, 8:08cr441, 8:08cr442, 8:08cr443, 8:08cr444, 8:08cr445, 8:08cr446, 8:08cr447, 8:08cr448, and 8:08cr449.

3. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting this motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time **between today's date and February 23, 2009**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act because counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

4. The request for a Rule 17.1 conference is denied without prejudice to re-filing after February 23, 2009.

DATED February 2, 2009.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**